

2. Plaintiffs are entitled to summary judgment against the Borrower and Guarantors because Plaintiffs can prove each element of their claims. *See* Fed. R. Civ. P. 56(a).

3. Pursuant to Local Rule 56.3(b) of the Local Rules of the Northern District of Texas, Plaintiffs set out the arguments and authorities and all other matters required by Local Rule 56.3(a) in its Brief in Support of Motion for Summary Judgment, filed concurrently with this Motion. All supporting evidence and materials are contained in an Appendix of Evidence, also filed concurrently with this Motion.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully submit that they are entitled to summary judgment on their affirmative claims against the Borrower and Guarantors, and therefore should be awarded judgment in this case, in addition to all reasonable and necessary attorneys' fees and costs incurred in bringing this lawsuit.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of April, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

By: /s/ John C. Leininger

John C. Leininger